

REMARKS

The office action of August 23, 2005 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 5 and 7 through 19 remain in this case, claims 1 through 5 being amended, claim 6 being cancelled and claims 7 through 19 being added by this response. No new matter has been added. More specifically, the subject matter of claims 7 and 17 is fully supported by page 5, lines 1-6 of the application, as filed. Claims 8, 11 and 13 are fully supported by page 3, lines 22-25, page 6, lines 1-7 and Figs. 2 and 2a of the application, as filed. Claims 9, 14, and 18 are fully supported by page 3, lines 11-12, and 19-21, and page 6, lines 2-4 of the application, as filed. Claims 10, 12, and 19 are fully supported by claim 1 and Figs. 1 and 2, as filed. Claims 15 through 16 are fully supported by claims 4 and 5, as filed.

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

Rejection under 35 U.S.C. §102

2. Claims 1 through 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Shimaya (5,184,983). Applicant respectfully disagrees with the rejection. Claim 6 has been cancelled to further prosecution of the application.

The device of amended claim 1 includes, in part, “a base having a mating portion; and a face on top of the base, wherein the face is subject to creep, comprising a clip, which mates with the mating portion of the base, that is free of force exerted on the face due to creeping deformation”.

Shimaya does not disclose a clip, which mates with a mating portion of a base, and is free of force exerted on the face due to creeping deformation. Shimaya discloses a “U-shaped end hook engaging an end of the arm” (Abstract). The hook (55) is engaged initially, prior to creep, and is not free of force exerted on the face due to creep. The hook is restricted by a force exerted on the tensioner lever due to creeping deformation. When creep occurs, the hook in Shimaya comes out of engagement, which is an undesirable characteristic typical of the prior art.

Amended claim 1 also includes, in part, “wherein the clip is not engaged with the mating portion of the base member prior to creep deformation”. In contrast, the hook in Shimaya is engaged with a mating portion of the arm prior to creep deformation.

Amended claim 3 includes, “wherein the device includes a gap between the clip and the mating portion of the base, such that the mating portion is not engaged with the clip prior to deformation of the device due to creep.” The hook (55) in Shimaya engages an end (411) of an arm (41). The hook is engaged with the arm initially. There is no gap between the hook and the arm in Shimaya such that the arm is not engaged with the hook prior to deformation of the device due to creep.

Dependent claims 2-5, being dependent upon and further limiting claim 1, should also be allowable for that reason, as well as for the additional recitations they contain. Reconsideration and withdrawal of the rejection is respectfully requested.

To further prosecution of the application, the Applicant respectfully puts forth arguments regarding the new claims as they relate to Shimaya.

New claim 8 includes “wherein the clip closes the gap and engages the mating portion of the base when the device is deformed due to creep”. In Shimaya, the hook disengages from the arm when the device deforms. Like all of the prior art, when the hook (55) in Shimaya creeps, the hooks come out of engagement. The hook (55) becomes less engaged with the mating feature on the arm.

Dependent claims 7-10, being dependent upon and further limiting claim 1, should also be allowable for that reason, as well as for the additional recitations they contain.

New claim 11 is a method “of reducing stress during assembly of a device comprising a base having a mating portion on a first end of the base; and a face located on top of the base, wherein the face is subject to creep, comprising a clip-locking mechanism on an end of the face corresponding to the first end of the base, comprising the step of engaging the clip locking mechanism with the mating portion, when the device is deformed due to creep.” Shimaya does not engage the hook with the arm upon creep. In fact, the hook would disengage from the arm when the hook is deformed due to creep.

Dependent claim 12, being dependent upon and further limiting claim 11, should also be allowable for that reason, as well as for the additional recitations they contain.

The device of new claim 13 includes "a base having a mating portion; and a face located on top of the base, wherein the face is subject to creep, comprising a clip-locking mechanism shaped to engage the mating portion of the base; such that, in a first position prior to creep, a gap exists between the mating portion of the base and the clip-locking mechanism and the mating portion is not engaged with the clip-locking mechanism; and such that, in a second position, the face is deformed relative to the first position due to creep and the clip locking mechanism closes the gap and engages the mating portion of the base".

In a first position, prior to creep, the hook in Shimaya is engaged with the arm. Therefore, Shimaya does not disclose a gap existing between the hook and the arm or the arm not engaged with the hook, prior to creep. In a second position (not shown or discussed in Shimaya), the tensioner lever in Shimaya is deformed. When the tensioner lever deforms in Shimaya, the hook becomes less engaged with the arm. The hook does not close a gap and engage the arm upon creep.

Dependent claims 14-19, being dependent upon and further limiting claim 13, should also be allowable for that reason, as well as for the additional recitations they contain.

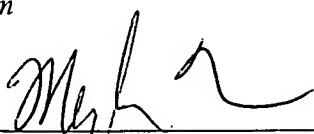
Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

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